

From:
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Ex. 6 Personal Privacy (PP)

Subject:

Clarification of process for appeal of EPA's aquifer exemption decision associated with the Dewey Burdock UIC Class III Area Permit

Date:

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To clarify the process for appeal of EPA's decision regarding the aquifer exemption associated with the EPA Dewey Burdock Class III Area Permit, EPA has updated the Region 8 UIC Program website with the following information:

Appeals of the aquifer exemption associated with the Dewey Burdock Class III Area Permit must be filed in accordance with 42 USC § 300j-7, not 40 CFR § 124.19, because it is a final agency action independent from the permit. See *In re Florence Copper*, 17 EAD 406, 419 (EAB 2017). Pursuant to 40 CFR § 23.7, the 45-day period discussed in 42 USC § 300j-7(a)(2) begins two weeks after the date of signature of the aquifer exemption. Therefore, appeals of this aquifer exemption have to be filed by January 22, 2021.

<https://www.epa.gov/uic/epa-dewey-burdock-class-iii-and-class-v-injection-well-final-area-permits>

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